

### **REMARKS/ARGUMENTS**

These remarks are made in response to the Office Action of August 15, 2008 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

#### **Claims Rejections – 35 USC § 112**

Claims 1-22 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. More specifically, it was asserted in the Office Action that there is insufficient antecedent basis in the claims for the limitation "currently active user sessions" recited in the claims. It was also asserted that there is insufficient antecedent basis in the claims for the limitation "said prompting step" recited in Claims 3-4 and 13-14.

Appropriate correction has been made.

#### **Claims Rejections – 35 USC § 101**

Claims 21-22 were rejected under 35 U.S.C. § 101 because the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101.

Although Applicants disagree with the rejection, Claims 21-22 have been cancelled to facilitate the prosecution of the instant application.

#### **Claims Rejections – 35 USC § 102**

Claims 1-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Patent Application 2001/0027474 to Nachman, *et al.* (hereinafter Nachman).

Applicants respectfully disagree with the rejections and thus have not amended the claims to overcome the cited prior art. Applicants have cancelled Claims 11-22.

However, Applicants are not conceding that the cancelled claims fail to present patentable subject matter. The cancellations are solely for the purpose of expediting prosecution. Accordingly, the cancellations should not be interpreted as the surrender of any subject matter, and Applicants expressly reserve the right to present the original version of any of the cancelled claims in any future divisional or continuation applications from the present application.

#### Aspects of the Claims

It may be helpful to reiterate certain aspects recited in the claims prior to addressing the cited references. One aspect of the invention, as typified by amended Claim 1, is a method for creating user groups in a network environment.

The method can include monitoring a plurality of currently active user sessions, each session being associated with a different user; identifying at least one real-time affinity among the currently active user sessions based on session data associated with the currently active user sessions, an affinity being defined as a similarity between two or more user sessions; responsive to the affinity identification, forming a user group for users of user sessions having an identified affinity; and facilitating the users of the user group to engage in communication. See, e.g., Specification, paragraphs [0021], [0023], and [0025]; see also Figs. 2 and 3.

#### The Claims Define Over The Prior Art

The abstract of Nachman reads:

*A method for sending real-time messages between viewers of a WWW page without using a dedicated client program, transmitting content to such users and transacting secure e-commerce with such users. The system including a messaging module that notifies the messaging server of the users currently viewing a web page and provides auto-downloadable content from a server to any of a specific user, specific group or all users.*

*The message module also provides secure e-commerce content to any of a specific user, specific group or all users.*

Paragraph [0002] of Nachman reads:

*[0002] This invention relates to the field of telecommunications, and more particularly to a method that enables the viewers of a web page to communicate, in real-time, with others without a dedicated client software, and simultaneously receive pushed content from a webmaster and engage in secure e-commerce transactions with a webmaster.*

It is not clear how the abstract and paragraph [0002] of Nachman disclose "identifying at least one real-time affinity among the currently active user sessions based on session data associated with the currently active user sessions, an affinity being defined as a similarity between two or more user sessions" as recited in Claim 1 of the instant application. Although the abstract mentions "specific group," it does not teach how the "specific group" is identified or formed. More specifically, it does not teach identifying real-time affinity or similarity among the currently active user sessions based on session data associated with the currently active user sessions.

Paragraphs [0014]-[0017] of Nachman read:

*[0014] Accordingly, it is an advantage of the present invention that once a web page is configured to provide WSM functionality, all the viewers of said web page potentially become part of the user group that makes use of the service.*

*[0015] A further advantage of the present invention is that it employs a distributed architecture whereby most of the Internet traffic between the viewers of a web page is routed through the WSM of said web site, thereby reducing the need for a high capacity network such as the prior art instant messaging systems.*

*[0016] A still further advantage of the present invention is that it supports highly scalable logging features that provide means for monitoring Internet users browsing habits and web page preferences.*

*[0017] Another advantage of the present invention is that it transforms plain web pages to interesting forum for exchange of information and opinions.*

It is not clear how the above paragraphs disclose "responsive to said affinity identification, forming a user group for users of user sessions having an identified affinity; and facilitating the users of the user group to engage in communication" as recited in Claim 1 of the instant application. Since, as discussed above, Nachman does not disclose identifying real-time affinity or similarity among the currently active user sessions, it is not possible for Nachman to disclose forming a user group for users of user sessions having the identified affinity. In addition, it is noted that paragraph [0014] of Nachman describes that all the viewers (regardless if they have an affinity) of the web page potentially become part of the user group that makes use of the service.

Accordingly, Nachman fails to disclose or suggest each and every element of Claim 1, as amended. Applicants therefore respectfully submit that amended Claim 1 defines over the prior art. Furthermore, as each of the remaining claims depends from Claim 1 while reciting additional features, Applicants further respectfully submit that the remaining claims likewise define over the prior art.

Applicants thus respectfully request that the claim rejections under 35 U.S.C. § 103 be withdrawn.

### **CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the

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Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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